



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

| | |
|----------------------------|---|
| Agency Name: | Virginia Department of Transportation (Commonwealth Transportation Board) |
| VAC Chapter Number: | 24 VAC 30-480-10 et seq. |
| Regulation Title: | Arterial Networks |
| Action Title: | Review and Retain |
| Date: | June 25, 2001 |

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation establishes the criteria that highways forming the Arterial Network of the State Highway System must meet. The Office of the Attorney General has found that this regulation is exempt from the APA under Section 9-6.14:4.1 B 3.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

Under the provisions of § 33.1-12(3), the Commonwealth Transportation Board (CTB) has general authority to make regulations concerning use of the system of state highways. However, the specific authority for this regulation is from §§ 33.1-26 – 30 of the Code of Virginia, as discussed below:

- §33.1-26 authorizes the CTB “to establish within the State Highway System an arterial network of highways to supplement and complement the Interstate System as established under Article 3 (§ 33.1-48 et seq.) of Chapter 1 of Title 33.1.” The statute also establishes the criteria that a highway must meet to be considered an “arterial highway” (nature of connects between major cities and towns, carry a sufficient or substantial traffic volume and mix of vehicles, etc.).
- § 33.1-27 deals with extensions of arterial highways within cities and towns, and authorizes the CTB “in its discretion to assume the maintenance and control of any extension of the arterial network of highways within a municipality of 3,500 or more population when such extension has been constructed without contribution by the municipality and such action is deemed by the Board to be in the best interest of the Commonwealth.” Cities and towns may not receive payments for extensions for which the Board assumes maintenance responsibility.
- § 33.1-28 deals with the establishment and maintenance of arterial network of highways, and how the network is funded.
- § 33.1-29 deals with transfer of streets and roads in connection with establishment, etc., of arterial network. Under this statute, the CTB “may transfer to and from the State Highway System such streets, roads, and bridges as the Board shall deem proper.” Such transfers are to be made in accordance with § 33.1-34 or § 33.1-35, but without regard to the limitations or conditions set forth in such sections.
- § 33.1-30 deals with portions of arterial network within annexed areas. The CTB is “authorized in its discretion, after consultation with the municipality, to continue the maintenance and control of any portion of the arterial network of highways which is located within an area that is annexed, merged, or incorporated into a city or town of 3,500 or more population, subsequent to the construction of such portion of the highway, when such action is deemed by the Commissioner to be in the best interest of the Commonwealth.” No payment shall be made to any city or town pursuant to § 33.1-41 for any portion of the arterial network that the CTB continues to maintain under this section.

This regulation does not exceed the minimum requirements of the state mandate.

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

VDOT received no public comment during the Notice of Periodic Review period, so no response was prepared. No advisory group was formed to assist in the periodic review.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

Goals: VDOT seeks public comment regarding the following question: Does the regulation meet the following goals?

1. To protect the public's health, safety, and welfare with the least possible intrusiveness to the citizens and businesses of the Commonwealth
2. Is the regulation written clearly and understandably?

Goal 1: The arterial network was established in 1964 by the General Assembly to serve as an auxiliary system to the interstate system. The network links many Virginia communities not directly served by these facilities. To achieve this aim, arterials are designed and constructed to standards comparable to the interstate system, which are intended to reduce accidents and travel time, and improve mobility. Creation of the network was intended to help fulfill VDOT's traditional mission – to provide safe, convenient, and efficient transportation. This regulation specifies the factors that the CTB will consider in decision-making. VDOT believes that the regulation facilitates its ability to fulfill its mission, which is clearly related to public safety and welfare.

Goal 2: The regulation lists the criteria concerning road and traffic characteristics that a highway must meet to be considered part of the arterial network. A list of routes in the network can be obtained from the Traffic Engineering Division Administrator.

VDOT believes that the lack of public comment received concerning the regulation indicates broad satisfaction with the format of the regulation, the manner in which it is implemented, its clarity and ease of comprehension, and its effectiveness.

This regulation has no direct effect on the family or family stability.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

There is no viable substitute for a document that sets forth the criteria to carry out the statutory authority discussed previously. Such a document ensures that the public has access to the criteria used by the CTB, and that the criteria help ensure that decisions on additions to the arterial network are made consistently and fairly.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

VDOT recommends that this regulation be retained without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

This regulation has no direct effect on the family or family stability, nor does it affect any of the factors listed above.